

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, July 27, 2004 in the Men's Lounge, Clark Memorial Clubhouse, Clarkdale, Arizona

A Special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, July 27, 2004 at 6:00 p.m. in the Men's Lounge, Clark Memorial Clubhouse, 19 North Ninth St., Clarkdale, Arizona.

Town Council:	Mayor	Doug Von Gausig
	Vice Mayor	Jerry Wiley
	Councilmember	Patricia Williams (absent)
		Rex Williams
		Frank Sa

Staff:	Town Attorney	Rob Pecharich
	Town Clerk	Joyce Driscoll
	Planning Director	Steven Brown
	Planner II	Beth Escobar
	Police Sergeant	Mike Pierce
	Fire Chief	Don Eberle
	Finance Director	Coleen Gilboy

Others in attendance: Robyn Prud'homme-Bauer, Curt Bohall, Sandy, Victor and Sue Sammarco, Chuck and Sandy Garrison, Chris Catalano, Ellie Bauer, Lee and Gail Daniels and others who did not sign in.

CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:05 p.m. and noted that Councilmember P. Williams was absent.

PUBLIC COMMENT - None.

CONSENT AGENDA - The Council approved the Consent Agenda without objection.

- A. AGREEMENT - Consideration of an Intergovernmental Agreement with the City of Cottonwood regarding police dispatching.
- B. PROCLAMATION - Proclamation supporting the 21st Annual Night Out.

LEASE AGREEMENT - Consideration of a possible Lease Agreement with Transylvania International, inc. and Verde River Iron Company for an effluent disposal site. Town Attorney Pecharich noted his suggested changes to the agreement, as follows:

1. Page 1, Paragraph E - Change in wording to state that the reclaimed water may be transported to other locations by the Lessor, but cannot be sold to a third party.
2. Page 4, Paragraph 5.2 - Owner wants right to use effluent (have it reserved for him) even after disposal site is moved. A change in wording is recommended to allow the owner to purchase up to 46,000 gpd of effluent after the disposal site is moved. It was noted that he would have to pay fair market value.
3. Page 9, Paragraph 15 - Owner wants more time to pay taxes in full, to December 2004.

Discussion included the following issues:

1. Page 4, Paragraph 5.1.2 - Clarification.
2. Page 5, Paragraph 5.2.1 - Wording.

Councilmember R. Williams moved to approve the Lease Agreement as amended by the town attorney. Councilmember Sa seconded and the motion passed unanimously.

Item #7 was taken next on the agenda.

ORDINANCE – Consideration of an ordinance amending Section 7-14 of the Code of the Town of Clarkdale relating to construction noise restrictions. Mayor Von Gausig noted that certain well construction cannot be interrupted. If it is stopped, it will collapse. By law they have to do a pump test over 48-72 hour period, which means running a generator in non-compliance with the noise ordinance. The proposed ordinance would allow the Town Council to make an exception to the noise ordinance for these circumstances.

Vice-Mayor Wiley moved to adopt Ordinance #266, Councilmember R. Williams seconded and the motion passed unanimously.

WAIVER REQUEST – Consideration of a request from Southwest Ground-water Consultants, Inc. to waive Town Code Article 7-14 A. , which limits construction work hours during a well pump development and aquifer testing project for Cottonwood Water Works, Inc. – Councilmember R. Williams moved to approve the waiver for good cause for the public health, safety and welfare. Councilmember Sa seconded and the motion passed unanimously. Town Attorney Pecharich advised that the Council cannot request the well test data.

WAIVER REQUEST - Consideration of a request from Southwest Ground-water Consultants, Inc. to waive Town Code Article 7-14 A. , which limits construction work hours during the well drilling for the proposed Mountain Gate Subdivision due to unstable geologic formations of the site.

Vice-Mayor Wiley moved to approve the waiver, finding good cause that the health, safety and welfare of the public is promoted. Councilmember Sa seconded and the motion passed unanimously.

REPORT – A report by the Planning Commission regarding current issues being worked on by the Commission. Planning Commission Chairperson Hansen reported on the following issues:

1. Encouraging the use of non-potable water for dust control during construction.
2. Trying to anticipate needs of community in future.
3. There are many items that need to be addressed.
4. Completed work on minor subdivision process. Have had applications that have completed the process.
5. Mountain Gate community meetings were successful.
6. Transylvania conditional use permit.
7. Mingus Shadows park, known as Tract O, changing to residential development.
8. Realization that one commercial district is not enough. Working on creating other commercial districts. The general plan specifies additional divisions of commercial zoning.

Councilmember Sa requested that a worksession be scheduled on commercial zoning.

9. Future projects:

- Continine commercial zoning project.
- Work with Parks and Recreation Commission on park master plan.
- Affordable housing development.
- Investigate methods of water conservation.
- Road impact fees (structure for application).

RESOLUTIONS – Consideration of resolutions making appointments to Town boards and commissions:

A. Planning Commission – Councilmember R. Williams moved to approve Resolution #1107 appointing Bob Noland for a term ending 9/3/2006. Vice-Mayor Wiley seconded and the motion passed unanimously.

B. Board of Adjustment – Vice Mayor Wiley moved to approve Resolution #1108 appointing Anita Simgen and Lee Daniels for terms ending 9/30/2006. Councilmember Sa seconded and the motion passed unanimously.

C. Design Review Board – Councilmember Sa moved to approve Resolution #1109 appointing Peggy Chaikin for a term ending 9/30/2005. Mayor Von Gausig seconded and the motion passed four to one with Councilmember R. Williams opposing.

D. Heritage Conservancy Board – Councilmember Sa moved to approve Resolution #1110 appoint Drake Meinke for a term ending 9/30/2005. Councilmember R. Williams seconded and the motion passed unanimously.

YAVAPAI-APACHE NATION TRUST STATUS APPLICATION – Consideration of sending a letter of comment on the Yavapai-Apache Nation's application for Trust Status on lands in Clarkdale. Mayor Von Gausig summarized that the Yavapai Apache Nation plans to put eighty-six homes on land currently on file opposed to trade. A letter was sent two years ago by the Council. He reviewed information from the July 20th worksession stating the Council encouraged all the proposed trust land be annexed to increase the Town's revenue sharing figures. He noted that Camp Verde has a letter on file against the trust status. Cottonwood does not have lands within their boundaries, but it was noted that it is a regional issue.

Councilmember Sa moved to have the mayor write a letter in favor of the trust status. Councilmember R. Williams seconded and the motion passed unanimously.

Town Attorney Pecharich and Town Clerk Driscoll were excused and left the meeting.

PUBLIC HEARING – A hearing to obtain public input on the final proposed budget for fiscal year 2004-2005. There was none.

PUBLIC HEARING – A hearing to obtain public input on the proposed property tax levy for fiscal year 2004-2005. There was none.

PUBLIC HEARING – A hearing to obtain public input, per Truth in Taxation requirements, regarding the proposed property revenue increase for fiscal year 2004-2005. There was none.

TRUTH IN TAXATION – Consideration of the Truth in Taxation proposed property tax revenue increase for fiscal year 2004-2005. Finance Director Gilboy stated that the Council is acknowledging the tax rate with this item. The tax rate will then be adopted in August. Finance Director Gilboy did a roll call vote for the increase in the property tax revenues for 2004-2005, as follows:

Frank Sa – Yes

Doug Von Gausig – Yes

Jerry Wiley – Yes

Rex Williams – Yes

RESOLUTION - Consideration of a resolution adopting the final proposed budget for fiscal year 2004-2005. Vice-Mayor Wiley moved to adopt Resolution #1111 for the final budget for fiscal year 2004-2005 for the Town of Clarkdale. Councilmember Sa seconded and the motion passed unanimously.

ADJOURNMENT – With no further business before the Council and without objection, the meeting adjourned at 7:27 p.m.

APPROVE:

SUBMIT:

Doug Von Gausig, Mayor

Charlotte Hawken, Administrative Assistant

ATTEST:

Joyce Driscoll, Town Clerk